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Deputy DA tied to temple deal

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The San Francisco District Attorney's Office says it is turning over to the state attorney general a purported tape recording of a former deputy district attorney arranging a payment to an ex-member of Peoples Temple who claimed his name was forged on a property transfer document.

Private investigator Joseph Mazor presented the tape Monday to Robert Graham, who is heading the district attorney's investigation into allegations that the temple beat its members and bilked some out of property.

Other agencies also are investigating the church and its controversial pastor, the Rev. Jim Jones, who resigned three weeks ago as chairman of the San Francisco Housing Authority.

Jones is reported to be at the temple's agricultural mission in the South American country of Guyana.

Graham was told that the December 1975 conversations were between ex-church member Marvin Swinney and Timothy Stoen, a high-ranking temple member who has

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served as a deputy district attorney in Mendocino and San Francisco counties.

Mendocino County records show that Stoen, who then worked for the county, notarized a deed giving to the church Ukiah property owned by Swinney and his wife, Mary J. (Jackie) Swinney.

But the Swinneys, now residents of South Carolina, have issued notarized statements that they never signed the document turning over their house and nine-tenths of an acre of land to the church.

Swinney, who said he taped the telephone conversations, identified the second voice as that of Stoen.

Graham said he could not confirm the identification, but said, "My investigator thinks it sounds like Stoen ... There's certainly a possibility that it's Stoen."

After reviewing the tape, Graham said investigators determined it was made while Stoen was a deputy district attorney in Mendocino County, where he worked prior to San Francisco.

"We're turning it over to the state attorney general's office," Graham said.

"The Mendocino County district attorney has recused himself in matters involving Tim Stoen, and turned over materials to the state Attorney General's office—and we're doing the same."

Stoen worked in the Mendocino County District Attorney's Office from 1965 through 1967, then again from about 1971 until May 1976, when he was hired by San Francisco Dist. Atty. Joseph Freitas to prosecute voter fraud cases here.

Stoen resigned last spring to do legal work for the temple in Guyana.

Stoen is involved in a custody battle with his wife over the couple's 5-year-old son, who has been in Guyana. There have been reports that Stoen left Guyana, but attempts to reach him for comment were not successful.

Church attorney Charles Garry said he doesn't know whether Stoen has returned to San Francisco, and said he is not representing Stoen.

According to Swinney's attorney, who claims he represents former temple members, the conversations with Stoen followed complaints to the church by Swinney that he and his wife had never signed any property transfer documents and had never appeared before Stoen for notarization.

The taped conversations do not fix a dollar amount for restitution, but Swinney said later that Jones agreed to pay him $13,000.

"At that time we didn't know if it was a bribe or not," said Swinney, who then was trying to get his 10-year-old son out of Guyana. "We just wanted to get out what we could and get our son back."

A copy of the tape was obtained by the district attorney's office.

The voice identified as Stoen's says on the tape that the payment under discussion "is not a bribe."

The first recording begins with Swinney asking a telephone operator in the district attorney's office for Stoen. Both conversations open with Swinney saying, "Tim?" The other voice responds, "Hi, Marvin." Throughout the conversations, Swinney addresses the party he's talking to as "Tim."

According to Swinney, he asked Stoen to arrange to sign a document acknowledging that the temple bought the property in question and was authorized to pay off the mortgage.

County records show the property transfer notarized by Stoen as a gift.

In the tape, the voice identified as Stoen said:

"Well, put yourself in our shoes, Marvin. As you know, you don't want to get involved. See, it's illegal to accept a bribe, it's illegal to give a bribe ..."

"And this is not a bribe," Swinney interjected.

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Tape recording ties deputy DA to Peoples Temple land deal

"Then it's not a bribe," was the reply. "This is a goddamn legitimate transaction."

The Swinneys told the Examiner in telephone interviews that they gave an abstract of the deed to their Ukiah property to temple leader Archie Ijames in 1973 when they were pressured to do so.

"We didn't think there was any danger of turning it (the abstract deed) over because we hadn't signed anything," said Jackie Swinney.

"We were more or less forced to give the property," said her husband.

Mazor said he knows the name of a temple member who did the alleged forgery and he knows the method used. He said the Swinneys' signatures were photocopied from temple membership cards, cut out, laid on the grant deed document and recopied.

The private investigator said a temple member had bragged to three of his clients, then temple members, to, that she used the method to effect the property transfer.

When the Swinneys left the church in fall of 1975, they went to the Mendocino County Recorder's Office and, to their surprise, found their signatures on a grant deed recorded Sept. 22, 1975. The signatures had been notarized by Stoen in June 1973.

"When we got out, we wanted to put a stop on it because we had never signed anything," Swinney explained.

The Swinneys said they confronted several members of the church council and demanded to see the original grant deed. But, they said, they were shown only photostats, although the original supposedly had been returned to the church.

"We told them we wanted our [illegible] of money, and we threatened to take it to the attorney general," Swinney said. "They laughed and said they had people in their office.

"They said if it got past them and got to the Mendocino District Attorney's Office, they had Tim and it wouldn't get past him ... Now where did that leave us?"

According to Swinney, Stoen called the couple at his Ukiah office late one night to tell them James authorized an offer of $2000 so they could straighten out their debts and finances before leaving the area.

Later, he said, Stoen said (on tape) a mistake and that James had offered $2,000, not $200.

Then Swinney said, James himself telephoned them at their Ukiah home in August 1975, and dickered for a few hours until a price of $13,000 was agreed upon.

"It didn't start out at $13,000," Swinney recalled. "He started out by offering something like $2,000 to $3,000 (cash) and promised to send the rest later.

"We knew him well enough so (we knew) that if we got out, we wouldn't see the rest of the money. We kept haggling with him over it and ended up with $10,000 (cash) and a promise of $3,000 later." They said they never received the $3,000.

The Swinneys said they purchased the property in 1965 for $30,000 to $12,000 and they estimated its worth at about $25,000 in 1975. Mendocino County records show the property was sold for about $30,000 this year.

The family said they had given everything they owned to the church and needed the money to move far away from temple headquarters, as they were advised to do by the church.

According to private investigator Mazor, the money was to be given to the Swinneys only when they left town. The tape bears this out.

"It's my understanding that you were told that you would have it on your way out, which would be, you know, when you're packed and ready to go," the voice identified as Stoen told Swinney.

"Therefore, I can't make a promise to pay you anything until you're in that situation."

There is also reference in the tape to the misunderstanding over whether the payment was to be for $200 or $2,000.

"The voice (identified as Stoen) said, '...The fact that I called you in and offered you ten, I misinterpreted,' cause, as James had called me up and said give you two thousand, sort. And I thought it was two hundred, so I screwed up. But, the point is, he, James, just wanted to make sure you had enough to start with.'"

According to the tape, the voice identified as Stoen (it is Swinney) the agreement would be a simple statement that the temple bought the property and was authorized to pay off the mortgage. No [illegible] money was [illegible].

Swinney said his wife said they signed the agreement on Dec. 23, 1975 — the same day they said they received $10,000 cash.

The voice identified as Stoen assured Swinney that the agreement was for Swinney's protection. "No body can ever say that there was any payoff or anything like that," he said.

The voice also assured Swinney that James had never been so generous with other church members. "You know that Father's only done this (agreement) for you," he said.

Swinney and Mazor said the cash delivery was made by several church members.

Mazor said he planned to provide the attorney general this week with tape recordings of alleged telephone threats the Swinneys received prior to making the arrangement.

The California Secretary of State's Office is investigating the Swinney property transaction, as well as possible misuse of notary powers by temple members in property transfers to the church and guardianship agreements.

Mendocino County Dist. Atty. Duncan James said Stoen worked as a criminal investigator during his first stint with the office under a different district attorney, but he said Stoen only worked for him on civil litigation.

"Tim's one of the finest [illegible] I've ever [illegible], dedicated and a good worker."